



General Assembly

Amendment

February Session, 2018

LCO No. 5008



Offered by:

REP. TONG, 147th Dist.
REP. STAFSTROM, 129th Dist.
REP. CURREY, 11th Dist.

To: House Bill No. 5557

File No. 569

Cal. No. 381

***"AN ACT CONCERNING THE COMPETENCY OF A DEFENDANT
TO STAND TRIAL."***

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subdivision (3) of subsection (m) of section 54-56d of the
4 general statutes is repealed and the following is substituted in lieu
5 thereof (*Effective October 1, 2018*):

6 (3) If the court orders the release of a defendant charged with the
7 commission of a crime that resulted in the death or serious physical
8 injury, as defined in section 53a-3, of another person, or with a
9 violation of subdivision (2) of subsection (a) of section 53-21,
10 subdivision (2) of subsection (a) of section 53a-60 or section 53a-60a,
11 53a-70, 53a-70a, 53a-70b, 53a-71, 53a-72a or 53a-72b, or orders the
12 placement of such defendant in the custody of the Commissioner of
13 Mental Health and Addiction Services or the Commissioner of

14 Developmental Services, the court may, on its own motion or on
15 motion of the prosecuting authority, order, as a condition of such
16 release or placement, periodic examinations of the defendant as to the
17 defendant's competency at intervals of not less than six months. If, at
18 any time after the initial periodic examination, the court finds again,
19 based upon an examiner's recommendation, that there is a substantial
20 probability that the defendant, if provided with a course of treatment,
21 will never regain competency, then any subsequent periodic
22 examination of the defendant as to the defendant's competency shall
23 be at intervals of not less than eighteen months. Such an examination
24 shall be conducted in accordance with subsection (d) of this section.
25 Periodic examinations ordered by the court under this subsection shall
26 continue until the court finds that the defendant has attained
27 competency or until the time within which the defendant may be
28 prosecuted for the crime with which the defendant is charged, as
29 provided in section 54-193 or 54-193a, has expired, whichever occurs
30 first."

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2018	54-56d(m)(3)
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